

Minutes of the Executive Committee - February 2, 2004

Chairman Dwyer called the meeting to order at 8:30 a.m. and led the committee in the Pledge of Allegiance.

Present: Chairman James Dwyer, County Board Supervisors Patricia Haukohl, Kenneth Herro, Walter Kolb, Richard Manke, Duane Paulson and Duane Stamsta

Staff Present: County Board Chief of Staff Lee Esler, Legislative Policy Advisors Dave Krahn and Mark Mader, Legislative Associate Sandra Meisenheimer

Also Present: Public Works Building Operations Manager Mark Keckeisen, Department of Administration Budget Manager Keith Swartz, Budget Specialist Linda Witkowski, County Executive Chief of Staff Allison Bussler, Parks and Land Use Director Dale Shaver, Enterprise Operations Manager Peter Pulos, Principal Asst. Corporation Counsel Steve Schmitz, Internal Audit Manager Lori Schubert, Principal Internal Auditor Joe DeAntonis, County Board Supervisor Rodell Singert

Public Present: Karen McNelly of Mukwonago (former County Board Supervisor)

Correspondence

Chairman Dwyer distributed the list of correspondence. He reviewed various items with the committee as questions arose. The correspondence list is copied to all county board supervisors.

Approval of Minutes

Motion: Haukohl moved, second by Stamsta, to approve the minutes of January 5, 2005. **Motion carried 7 – 0.**

Meeting Approvals

Dwyer reviewed upcoming meetings:

1. On February 23 there is a WCA Educational Seminar entitled “Current Medical Trends and Negotiating Health Insurance Plans” in Wausau from 9:30 a.m. to 3:00 p.m.
2. Public Policy Forum on February 19 at MATC regarding “Training Our Workforce”.

Motion: Haukohl moved, second by Manke, to approve attendance of any member of the Executive Committee to the Public Policy Forum on February 19, 2004 at MATC in Milwaukee.

Motion carried 7 – 0.

3. **Motion:** Haukohl moved, second by Stamsta, to approve attendance of the Executive Committee to the Public Hearing on the County Development Plan, which is being held in the Administration Center on February 3, 2004 at 9:00 a.m. **Motion carried 7 – 0.**

Wisconsin Counties Association Report

Dwyer advised that the next WCA Annual Conference is on September 26-28, 2004 in Milwaukee County. A letter was received asking for ideas on educational programs and speakers for the conference. Dwyer stated that the only County Board meeting for September is being scheduled for the third Tuesday, rather than the fourth Tuesday, so there will not be a conflict with the conference.

Discuss and Consider Use of Northview Demolition Funds as Part of the Boiler Replacement Capital Project

Keckeisen reviewed his memo of January 21, 2004 regarding the Northview Boiler Replacement Project (#200303). He stated that somehow when the project scope was put together the piping conversion was not figured into any of the initial project cost estimates for the 1904 portion of the

building. An analysis of the project budget indicates that they may be successful including this work and bringing the project in within budget. The Laundry/Boiler Demolition project includes costs for utility moves and modifications associated with the demolition. They believe that the size and scope of the project will give them an opportunity to bring this project in on budget even with the addition of the piping costs.

Dwyer asked what is the anticipated completion of the demolition and the boiler replacement. Keckeisen said the boiler replacement project is ready to be let, and they will start as soon as the boilers are shut down at the end of April/early May. It should be completed in July. The demolition is scheduled to start in the spring. Both projects will be completed this year.

Haukohl said she feels fairly comfortable with this as long as we all realize that it is very possible that they will come back and ask for more money from the capital project fund balance or the contingency fund. She said we should move ahead on the demolition which we have been waiting years for. Herro stated he understands that capital projects are created, there are special funds to do certain things, and now there are three capital projects all doing a mix of things. So where does one end and the others begin? To him it appears \$60,000 is being taken from the demolition fund, adding it to the boiler/laundry fund and then moving that over to the hot water to steam pipes. Keckeisen said the reason for this is so they won't have to come back to ask for money that they actually do not need, and this gives them the opportunity to do that. Stamsta said he thinks it should be one project because that's what it actually is.

Esler explained why this item was agendaized. He stated the approval of the bids for this project is going to the Public Works Committee at their next meeting on February 12. Today the Executive Committee should acknowledge the inter-mingling of accounting funds to allow the Public Works Committee to accept the bids by taking funding from a different project.

Motion: Manke moved, second by Paulson, to recommend to the Public Works and Finance Committees to give the Public Works Committee authority to assign the \$58,980 from the other project to this project.

Keckeisen said one thing he doesn't want to do is rebid this project because it would come back more expensive. Financially this is the best bid. **Motion carried 7 – 0.**

Legislative Update

Krahn distributed copies of his state legislation status update as of February 2, 2004. He reviewed the following bills:

AB 54 – awaiting the governor's signature; the bill may be signed here in Waukesha County.

AB 61 – Richard Tuma was selected by the governor to be on a technical committee that is looking at the rules to be put into effect for 911 legislation.

AB 255 – this is pothole liability bill; it went further along than ever before but the governor vetoed it; will be introduced in another session - perhaps.

AB 443 – originated in Waukesha County and Representative Dan Vrakas agreed to carry forward; scheduled for floor action tomorrow.

AB 417 – another Representative Dan Vrakas bill; limits amount of money that state/local governments can retain until a project is done properly; working hard to defeat.

AB 437 – will create new standards for TIF's; at this point it is not scheduled by the senate; it passed the assembly.

AB 547 – Streamline Sales and Use Tax Agreement legislation, which would establish mechanism with other states for the collection of sales tax on purchases Wisconsin citizens make via the internet or by catalogs.

AB 616 – pleased to see out of committee and will be in Finance Committee; it will call for the state to pick up funding of state public defender's office which provides counsel for indigents.

SB 119 – Waukesha County not in agreement with Sheriff's Department on this bill.

Regarding AJR 55 – TABOR (Taxpayer's Bill of Rights), Krahn stated there are a number of Republicans in both houses who wouldn't vote for this bill because it has problems. Krahn said TABOR requires voter approval for all revenue increases so it will be governed by referendum to a great extent. One of the problems is you have to return anything in excess over the previous year and you get locked in at a certain level and cannot go beyond that level. Generally, TABOR limits revenue collections, spending and taxation options. Krahn indicated that Waukesha County should be included in discussions of TABOR. He also suggested inviting Senator Kanavas to an Executive Committee meeting to discuss TABOR. This would be a positive step.

Esler suggested having a strategy before there is a discussion with legislators. He stated if you do come up with a strategy, he would suggest having language in this bill that requires the state to follow its own enactments, i.e., it would have to keep the same ratio of distribution to municipalities. Without it they can simply continue to decrease their funding of schools, counties and municipalities. Krahn said he would distribute a summary of TABOR so the committee will have a good understanding of the issues. Dwyer said we should invite Senator Kanavas to appear at an Executive Committee meeting and also invite all county board supervisors to attend.

Krahn referred to the letter from the Forest County Potawatomi Community of Crandon, WI, regarding the Wisconsin State Supreme Court now considering two important court cases that could impact the amount of shared revenue, school aids, and additional funding a community receives. Krahn stated if the court rules in favor of the public and legislators, then a lot of the money that was negotiated on behalf of the state for the state will go away and all of the programs will be in dire straits. The discussion centers on how the legislature proposes to pay for the services to be provided to our citizens. The other lawsuit is about putting the kabosh on gambling in Wisconsin by a business group upset that they were not successful in obtaining the right to open a casino in Kenosha County. These two lawsuits are now sitting with the Supreme Court. There was a hearing last week. They should be settled possibly by this summer.

Discuss and Consider Resolution 158-R-014: Support for Host Fee Split as Part of the Landfill Agreement for the Expansion of Orchard Ridge Recycling and Disposal Facility

Shaver and Schmitz were present. Shaver gave background and explained the resolution, which supports that the host fee payments for the proposed expansion of the Orchard Ridge Recycling and Disposal Facility be allocated at 90% to the Village of Menomonee Falls and at 10% to Waukesha County. Shaver distributed two handouts: 1) Menomonee Falls Landfill Site Analysis – Ton Rate CPI 4% and two year freeze, and 2) information on the Orchard Ridge Recycling and Disposal Facility Landfill Agreement Host Fee. Shaver said typically in a siting agreement there is a host fee which is a per ton dollar amount that gets assessed to the proposer (in this case, Waste Mgt.) for the depositing of waste in the landfill. At this time, the siting committee settled with Waste Mgt. on a starting fee of \$3.05/ton for the landfill. Shaver said typically the host fee is split between the host

community where the landfill resides and those municipalities that have been part of the landfill siting process. This is where the disagreement comes in between the Village of Menomonee Falls members and Waukesha County.

Shaver stated there are three logical ways for a host fee split, which he reviewed from the handout: Alternative 1: Host fee split based on the composition of the landfill siting committee, Alternative 2: Host fee split based on the structure of the property tax, and Alternative 3: Historic host fee splits through other landfill siting agreements.

Shaver stated the last time a landfill agreement was negotiated in Menomonee Falls Waukesha County did not participate. Dwyer said we failed to have a resolution of intent passed in a timely manner. This was in the early 90's. Shaver stated that back in August of 2003, the siting committee on a 5-1 vote did approve a 90/10% host fee split. Anytime there is a majority vote out of the siting committee that agreement can advance to the adopting body, which is the Village of Menomonee Falls and Waukesha County. Meetings continued in November of 2003, and it was decided to stick to the 90/10% host fee split. Th Village Board voted against it 6 – 0.

Kolb asked are we at the mercy of the Village or are there any legal tools that could be imposed? Schmitz replied that if the Village Board approves a host fee split that has itself been approved by the local committee, the county is stuck. If the choice is to do something else than what the local committee has done, then the county has some sort of a claim with respect to the Village and/or Menomonee Falls. Dwyer added that the resolution before the committee today is asking for support of the original 90/10% agreement that came out of the committee on a 5-1 vote. Dwyer stated if there is a 95/5% split that comes back to the County Board with a resolution to adopt it and we failed to adopt, we get nothing. Schmitz said yes that is probably the prevailing view of what the law says. Paulson said he doesn't see any need for this resolution because we all know where it's going. Schmitz stated we want the Village Board to know that the County Board believes it is appropriate that there is a 90/10% split. The fact that we were not there in 1992 when this all started should not result in the unfairness of this issue.

Schmitz and Shaver both related what the county did do at the table. Schmitz made suggestions to improve property protection, part of which is for residents living near the landfill to make it more beneficial to them. Shaver and staff did all sorts of analyses on a variety of issues, such as the tax impact from the landfill, groundwater issues (groundwater contamination monitoring), and dust/nuisance/noise evaluations as to ordinances on the books and measurable standards.

Motion: Manke moved, second by Haukohl, to approve Resolution 158-R-014.

Kolb said you know the Village Board is not going to go along with this so why even do this? Shaver replied that when logical alternatives of splitting the host fee were presented, they were all discounted. Shaver said the reason we should advance a resolution for the 90/10% host fee is because there was a majority of Village representatives who supported a 90/10% host fee. The committee agreed from day 1 that they would handle this agreement hurdle by hurdle. More importantly, the committee worked as a group and followed the rules of their operation. The 90/10% split is consistent with the discussion. It is very appropriate for the county to send a message that in the eyes of governmental cooperation and the process that is in place in the statute, the committee worked through it and came up with the 90/10% split vote.

Motion: Manke moved, second by Stamsta, to call the question. **Motion carried 5 – 2; Kolb and Paulson voting no. On the motion, the motion carried 5 – 2; Kolb and Paulson voting no.**

Discuss and Consider Appointment 158-A-025: Appointment of Joseph Griffin to the Commission on Aging

Motion: Haukohl moved, second by Paulson, to approve the appointment of Joseph Griffin to the Commission on Aging. **Motion carried 7 – 0.**

Unannounced Cash Count Report

Schubert, DeAntonis, Pulos and Shaver were present. Schubert stated overall the counts look really good this year. In the past there was a lot of in depth work done regarding the golf courses. Again, the over/short activity was looked at. For the month of July, all three golf courses were doing well. Wanaki in particular has made a lot of improvements to get their cash registers reconciled out correctly on a daily basis. Schubert said they also looked at daily deposits at the golf courses. Their concern was the fact that several deposits had been sitting longer than they should have, and there was particular concern at Wanaki. The pick up time by the courier was at 9:00 a.m. so it was recommended to change the time to a later pickup so the supervisor has more time to get the deposit completed in a timely fashion. This suggestion has been implemented. Schubert went on to say that overall there have been a lot of improvements during the last several years.

Discuss and Consider the 2004 Annual Audit Plan

Schubert, DeAntonis, Pulos and Shaver were present. Pulos responded to Paulsen's question regarding what the new cash register system has done to increase profits and functionality. Pulos referred back to early December 2003 when they wanted to clear out inventory (assets of pro shop). They currently have close to 2,000 email addresses so a newsletter was sent out. Wanaki consolidated all of the pro shop merchandize and \$12,000 was generated on a day they were technically closed. Regarding "black" tee times (not billed), they realized after 2:00 p.m. on weekends it was very empty so a couple of specials were implemented which generated a substantial amount of interest. Pulos stated that this system gives them the flexibility of cross marketing the three golf courses from a centralized database which they've never had before.

Dwyer reviewed the calendar of upcoming audits. Haukohl suggested moving up the audit of Capital Projects – Highways to be completed by the end of July. Schubert added that if there are specific questions the committee would like addressed, feel to contact her or she can appear before the committee for a discussion. Dwyer said this item could be scheduled in February or March.

Discuss the Comprehensive Business Plan for the Expo Center

Shaver and Pulos were present. Shaver stated in the 2004 budget regarding Expo, one objective is to develop an economic impact analysis. They are working with the Convention and Visitor's Bureau and Positively Pewaukee. Those organizations have offered to take the lead so that is moving ahead. The second is the language about the comprehensive business plan for the Expo. Typically what they do is to take a look at all of the needed improvements over the next five years and do a cash analysis to see that the costs can be covered for the improvements maintaining a fiscal goal (revenue target) to include the depreciation cost as an outgoing expense. The long and short of it is they've identified the items that need work and have met with Executive Finley regarding this. A capital project will be created to deal with the code and maintenance issues.

Manke said he is interested in seeing what Dick Richards and others in the community would be willing to put in. If Pewaukee would put some of their tourism money in, maybe there could be a cooperative agreement to improve the Expo. Shaver said there are several alternatives one of which is to eliminate the Forum Building. However, that building generates about \$180,000 in revenue on an annual basis and has about \$90,000 in expenses per year. There are a lot of events that not only use the arena when the grounds are rented but also the Forum.

Haukohl said she hears so many different approaches, i.e. sell it, privatize it, but there was a survey done of County Board Supervisors a few years ago with the results saying to keep it the way it is and put a few dollars into it. Haukohl indicated a survey should be done again with the new Board beginning in April because maybe there will be new ideas.

Paulson said he doesn't use the Expo Center for anything. What are the needs? As far as he can see, the needs are being met. Right now he loves it the way it is. Herro agreed. He said the only reason this is an issue is people continually bring it up. What are the gross revenues and expenses of Expo? Pulos said right now there is a shortfall of about \$100,000. Kolb said when it comes to the point when there are too many bookings, then that is the time to look at expansion, but we shouldn't expand and wait for them to come. Shaver agreed. He will never say we should plunge into building because we think they will come. That would be the wrong approach.

Singert asked if the comprehensive business plan would replace an effort to analyze what there is at the Expo grounds and what should be done? Shaver said he works with the information he has which is the County Board did do a survey of itself and that is the most current survey. If you can draw any conclusion from that survey, it is that some want to do nothing, maybe a couple want to do a lot, but the vast majority are in the middle believing something should be done but not a lot.

Haukohl said she doesn't have any opinion either way about the Expo, but she wants a decision made. She would like to see it be a little bit beyond just maintenance and a little bit more attractive. She indicated we should get a sense from the County Board as to whether we want to sell it or should it to be privately managed or should it be airport land? The County Executive wants us to tell him. Dwyer said what it comes down to is the Exposition Center is not high on the list of priorities.

Singert said he proposes that a new study committee be initiated and made up of Board members as well as others to come up with a 2004 County Board evaluation of the Expo Center grounds, Airport Drive, and Northview facility. Dwyer said if we don't get something by the end of this Board year, it would be the first order of business for the next Board if they are interested.

Manke said another thing he would like explored is an amphitheatre. Shaver said they have looked at that but who would pay for the cost of constructing it, and if it were constructed, you then lose the flexibility for using that space for other events. When Harley comes in, they don't want an amphitheatre in the middle of where they want their most prominent venues. What makes a property valuable is the flexibility for a renter.

Standing Committee Reports

Personnel – Paulson said on Tuesday, February 3 the committee will go into closed session about negotiations associated with the AFSCME contract.

Health and Human Services – Herro referred to Ordinance 158-O-123 and said the committee amended the ordinance to make it more conservative. They will have to meet a higher criteria. The other item was a decision made by consensus of the committee for the Clubhouse for the mentally ill to move to a new and bigger facility.

Finance – Haukohl said Norm Cummings will be appearing to give an update on the TIF legislation that just passed. Cummings testified in Madison.

Public Works – Manke said he will report on the Highway Conference he attended last week in Appleton at the next Public Works Committee meeting.

Motion to adjourn: Manke moved, second by Herro, to adjourn the meeting at 12:13 p.m. Motion carried 7 – 0.

Respectfully submitted,

Duane E. Paulson
Secretary

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